

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1193 K-12 Assessments and Accountability  
**SPONSOR(S):** Early Learning & Elementary Education Subcommittee, Plasencia  
**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Early Learning & Elementary Education Subcommittee	12 Y, 4 N, As CS	Wolff	Brink
2) PreK-12 Appropriations Subcommittee	15 Y, 0 N	Bailey	Potvin
3) Education & Employment Committee			

### SUMMARY ANALYSIS

In 2021, the Legislature passed HB 7011 which requires the Department of Education to implement a statewide math and reading progress monitoring system for students in Voluntary Prekindergarten (VPK) through grade 8. The bill enhances the VPK through grade 8 progress monitoring system by expanding it to cover English language arts (ELA) in grades 9 and 10 and replacing the statewide, standardized ELA and mathematics assessments with the end-of-year administration of the progress monitoring system (PM system).

The bill improves communication with parents regarding their student's performance by requiring that district assessment data be provided within 1 week of test administration; requiring that statewide assessment data be provided to parents in an individual student report; and, beginning with the 2023-2024 school year, moving the deadline for providing ELA and mathematics assessment results from June 30 to May 31. The bill requires that individual student reports be provided electronically and contain resources to support informed parent involvement.

The bill provides for the transition to the new PM system by holding schools harmless for the 2022-2023 school year. Once learning gains can be calculated following the 2023-2024 school year, the State Board of Education (SBE) must evaluate the school grading scale to determine if the scale should be adjusted.

The bill requires the SBE to annually review the school grading scale and to adjust the grading scale for a school type (i.e. elementary, middle, high, or combination) when more than 75 percent of schools of that type receive a grade of "A" or "B" for a given year. The first adjustment would occur no earlier than the 2023-2024 school year.

Additionally, the bill updates Florida's school improvement system. The bill codifies the existing requirement that a school implement intervention and support strategies upon initially receiving a grade of "D" and allows a school to submit a turnaround plan prior to earning a second consecutive grade of "D." The bill provides school districts flexibility in implementing an external operator turnaround plan. However, the bill limits the turnaround options for a school that earns a grade below a "C" within 2 years of exiting turnaround status.

The bill requires the Commissioner of Education, based on a third-party review, to report on and make recommendations related to the implementation of the PM system, by January 31, 2025.

The bill does not appear to have a fiscal impact. See Fiscal Comments.

The bill has an effective date of July 1, 2022.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Florida's Statewide Public School Accountability System

##### *Background*

School accountability generally refers to the actions taken by states and school districts to improve academic outcomes for all students by measuring and providing public information on student success and school and educator quality. Florida's K-12 Accountability System was created to provide for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high-quality education in accordance with s. 1, Art. IX of the Florida Constitution.<sup>1</sup>

##### *Federal Requirements*

The Elementary and Secondary Act (ESEA) was signed into law in 1965<sup>2</sup> and was reauthorized by the No Child Left behind (NCLB) act in 2002 and the Every Student Succeeds Act (ESSA) in 2015.<sup>3</sup>

The ESSA, like its predecessors NCLB and ESEA, aims to improve elementary and secondary education in public schools by conditioning the receipt of federal funds on the implementation of federal requirements. In order to receive Title I funds under ESSA, states must implement a statewide accountability system for K-12 public schools. ESSA also offers competitive and noncompetitive grant funds for teacher and school leader development, family engagement, student support, weighted per-pupil funding, and the development of innovative student progression systems and assessment formats.<sup>4</sup>

The ESSA requires each state receiving Title I funds to submit a plan that includes:

- challenging academic standards for reading or ELA and mathematics;<sup>5</sup>
- high quality assessments in ELA, mathematics, and science;<sup>6</sup>
- long-term goals for all students and student subgroups<sup>7</sup> in the state, including measurements of interim progress toward meeting the goals;<sup>8</sup>
- multiple indicators of student success and school quality,<sup>9</sup> including:
  - academic achievement as measured by statewide assessments in ELA and mathematics;
  - a 4-year graduation rate for high schools;
  - for elementary and middle schools, student growth or another academic indicator;
  - progress of English learners<sup>10</sup> (EL) toward English proficiency; and
  - an additional indicator of school quality or student success;

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<sup>1</sup> See s. 1008.345(1), F.S. The Commissioner of Education is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability. *See id.*

<sup>2</sup> Pub. L. No. 89-10 (April 11, 1965).

<sup>3</sup> U.S. Department of Education, *Every Student Succeeds Act*, <https://www.ed.gov/essa?src=mn> (last visited Jan. 31, 2022).

<sup>4</sup> 20 U.S.C. s. 6311(a)(1).

<sup>5</sup> 20 U.S.C. s. 6311(b)(1).

<sup>6</sup> 20 U.S.C. s. 6311(b)(2).

<sup>7</sup> For purposes of statewide accountability systems, student subgroups include economically disadvantaged students, students from major racial and ethnic groups, children with disabilities, and English learners. 20 U.S.C. s. 6311(c)(2).

<sup>8</sup> 20 U.S.C. s. 6311(c)(4)(A).

<sup>9</sup> 20 U.S.C. s. 6311(c)(4)(B).

<sup>10</sup> An English learner is between 3 to 21 years old; is enrolled or preparing to enroll in an elementary or secondary school; was not born in the U.S. or has a native language other than English; and has difficulties in speaking, reading, writing, or understanding the English language such that the student cannot meet the state's academic standards, cannot achieve in a classroom with instruction in English, or does not have the opportunity to participate fully in society. *See* 20 U.S.C. s. 7801(20).

- annual meaningful differentiation (i.e., levels of performance) based on the system's indicators;<sup>11</sup> and
- identification of schools, based on annual meaningful differentiation, that require comprehensive support and improvement (CS&I) or targeted support and improvement (TS&I) for specific student subgroups.<sup>12</sup>

The ESSA also requires each state and each local school district to annually publish a report card that provides information on student success, school quality, per-pupil funding, the progress of ELs toward English language proficiency, and, for the state, progress toward its long-term goals.<sup>13</sup>

The U.S. Department of Education approved Florida's ESSA State Plan in 2018.<sup>14</sup>

### *Overview of Florida's Accountability system*

Florida's statewide accountability system, as amended by the Legislature in 2017,<sup>15</sup> comprises the following:

- Rigorous academic standards that establish what knowledge and skills students in kindergarten through grade 12 need to learn.<sup>16</sup>
- Statewide, standardized assessments to measure student achievement of the standards in specified subject areas and grade levels.<sup>17</sup>
- School and district grades based on student achievement of the standards and other indicators of school and district quality as well as school improvement ratings based on student learning growth.<sup>18</sup>
- School recognition funds that award schools for improving or achieving high levels of performance.<sup>19</sup>
- Performance evaluation criteria for teachers and administrators based in part on student achievement of the standards.<sup>20</sup>
- Public reporting of school, district, and teacher performance.<sup>21</sup>
- School improvement requirements to help struggling schools incorporate best practices and, when needed, to fundamentally restructure schools that continue to fail.<sup>22</sup>

### Florida's Academic Standards

Together, all of Florida's academic standards compose the NGSSS, which establish the core content of the curricula to be taught and specify the core content knowledge and skills that K-12 public school students are expected to acquire in ELA, science, mathematics, social studies, visual and performing arts, physical education, health, and foreign languages.<sup>23</sup> The SBE is responsible for adopting the NGSSS in rule based upon review and recommendations by the Commissioner of Education (commissioner) in consultation with Florida educators, school administrators, and state colleges and universities.<sup>24</sup>

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<sup>11</sup> 20 U.S.C. s. 6311(c)(4)(C).

<sup>12</sup> 20 U.S.C. s. 6311(c)(4)(D).

<sup>13</sup> See 20 U.S.C. s. 6311(h)(1) and (2).

<sup>14</sup> Florida Department of Education, *Approval Letter from the U.S. Department of Education*, (Sept. 26, 2018), available at <https://www.fldoe.org/core/fileparse.php/14196/urlt/ESSA-ApprovalLetter.pdf>.

<sup>15</sup> Chapter 2017-116, L.O.F.

<sup>16</sup> Section 1003.41, F.S.; rule 6A-1.09401, F.A.C.

<sup>17</sup> Section 1008.22(3), F.S.

<sup>18</sup> Section 1008.34, F.S. Alternative schools may receive a school improvement rating pursuant to s. 1008.341, F.S. Exceptional student education centers may receive a school improvement rating pursuant to s. 1008.3415, F.S.

<sup>19</sup> Section 1008.36, F.S.

<sup>20</sup> Section 1012.34, F.S.

<sup>21</sup> See ss. 1001.42(18), 1002.20(16), 1008.22(12), 1008.341(1), and 1012.34(1)(c), F.S.

<sup>22</sup> Section 1008.33, F.S.; rule 6A-1.099811, F.A.C.

<sup>23</sup> Section 1003.41(1) and (2), F.S.

<sup>24</sup> See s. 1003.41(3), F.S.; Rule 6A-1.09401, F.A.C.

The NGSSS must provide for the logical, sequential progression of core curricular content that incrementally increases a student’s knowledge and skills over time.<sup>25</sup> Accordingly, the standards must include distinct grade-level expectations as follows:

Subject Areas	Organization of Grade-Level Expectations
ELA Science Mathematics Social Studies	Grade-by-grade expectations for each individual K-8 grade level; standards for grades 9-12 may be organized by grade clusters of more than one grade level, e.g., courses such as Algebra I or U.S. History <sup>26</sup>
Visual and Performing Arts Physical Education Health Education Foreign Languages	Grade-by-grade expectations for each individual K-5 grade level; standards for grades 6-12 may be organized by grade clusters of more than one grade level, e.g., courses such as Latin I, Physical Education <sup>27</sup>

Florida first established minimum student performance expectations and standards in 1977.<sup>28</sup> In 1996, the SBE adopted the Sunshine State Standards, predecessors to the NGSSS, based on the goals established under *Blueprint 2000*.<sup>29</sup> Adoption and integration of the NGSSS began in 2008 and included the adoption of Common Core standards for ELA and mathematics in 2010.<sup>30</sup> Amidst concerns over federal involvement in the selection and implementation of the standards and statewide, standardized assessments, Governor Rick Scott signed Executive Order No. 13-276 (2013), establishing the Florida Plan for Education Accountability.<sup>31</sup> As a result of the executive order and subsequent statewide public input,<sup>32</sup> the SBE amended the ELA and mathematics standards, now called the “Florida Standards,”<sup>33</sup> and the commissioner selected new statewide, standardized ELA and mathematics assessments aligned to the standards.<sup>34</sup>

On January 31, 2019, Governor Ron DeSantis issued an executive order directing the commissioner to comprehensively review and collect public input on Florida’s academic standards for kindergarten through grade 12 students, and provide recommended revisions to the Governor by January 1, 2020.<sup>35</sup>

<sup>25</sup> Section 1003.41(1), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> Section 1003.41(2)(e), F.S.

<sup>28</sup> See Florida Department of Education, *Florida’s Adoption of State Standards Background*, at 2 (2013), available at <http://www.fldoe.org/core/fileparse.php/5390/urlt/0081025-floridasadoptionofstatestandards.ppt>.

<sup>29</sup> See Florida Department of Education, *FCAT Handbook*, at 9 (2005), available at <http://www.fldoe.org/core/fileparse.php/7478/urlt/background.pdf>.

<sup>30</sup> See rule 6A-1.09401, F.A.C. For a progression of changes to Florida’s academic standards since 1999, see Florida Department of State, *Rule Title: Student Performance Standards*, [https://www.flrules.org/gateway/RuleNo.asp?title=FINANCE% 20AND% 20ADMINISTRATION&ID=6A -1.09401](https://www.flrules.org/gateway/RuleNo.asp?title=FINANCE%20AND%20ADMINISTRATION&ID=6A-1.09401) (last visited Jan. 27, 2022) (providing a sequence of links to proposed and adopted amendments to rule 6A-1.09401, F.A.C.).

<sup>31</sup> Office of the Governor, *Executive Order 13-276: Florida Plan for Educational Accountability*, (September 23, 2013), available at <https://www.flgov.com/wp-content/uploads/2013/09/EO-13-276.pdf>. The order directed the commissioner to take certain actions with respect to four aspects of the education system in Florida: procurement of the next statewide, standardized assessments; student data security; the school accountability system; and teacher evaluations.

<sup>32</sup> Curva & Associates, LLC, *Analysis of the Florida Common Core Standards Public Input Period*, (Dec. 2013), available at <http://www.fldoe.org/core/fileparse.php/5390/urlt/0081021-floridastandardspublicreview.pdf> (summarizing public comments and recommendations concerning changes to Florida’s ELA and math standards).

<sup>33</sup> See rule 6A-1.09401(1)(l) and (m), F.A.C. See also Florida State Board of Education, *Minutes for February 18, 2014 State Board of Education Meeting*, available at <http://fldoe.org/core/fileparse.php/5444/urlt/0074998-minutes.pdf>.

<sup>34</sup> Florida Department of Education Press Office, *With Students as Top Priority, Florida Chooses Replacement for FCAT*, Press Release (Mar. 17, 2014), available at <http://www.fldoe.org/core/fileparse.php/5390/urlt/0081008-floridachoosesreplacementfcats.pdf>.

<sup>35</sup> Office of the Governor, *Executive Order 19-32: Commitment to Eliminating Common Core, Ensuring High-Quality Academic Standards and Raising the Bar for Civic Literacy*, (January 31, 2019), available at [https://www.flgov.com/wp-content/uploads/orders/2019/EO\\_19-32.pdf](https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-32.pdf).

The commissioner's recommendations included replacing the Florida Standards for ELA and mathematics with the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards.<sup>36</sup> On February 12, 2020, the SBE adopted the B.E.S.T. Standards in rule.<sup>37</sup> Implementation of the ELA standards began with the 2021-2022 school year, and implementation of the mathematics standards will begin with the 2022-2023 school year.<sup>38</sup> On July 14, 2021, the SBE adopted updated standards for B.E.S.T. ELA, social studies, and health education as well as Access Points<sup>39</sup> for the B.E.S.T. ELA and mathematics standards.<sup>40</sup>

## Florida's Statewide Student Assessment Program

### *Federal Requirements*

The ESSA provides flexibility in state accountability systems, but kept the assessment requirements of NCLB. Under ESSA, states receiving Title I funding are still required to administer the mathematics and reading or ELA assessments annually to students in grades 3 through 8 and once in high school.<sup>41</sup> In addition, states are required to measure student proficiency in science at least once in grades 3 through 5; grades 6 through 9; and grades 10 through 12.<sup>42</sup> However, ESSA amended NCLB to allow for a state or a consortia of states to use multiple statewide interim assessments<sup>43</sup> that results in a single summative score,<sup>44</sup> or a state can use a single summative assessment.<sup>45</sup> In addition, ESSA amended NCLB to allow states to administer a computer adaptive assessments for the purposes of meeting federal requirements.<sup>46</sup>

### *Florida Standards Assessment and the Next Generation Sunshine State Standards Assessment*

The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff.<sup>47</sup> The Florida Standards Assessments (FSA) and NGSSS assessments measure student achievement of the standards contained in the Florida Standards and the NGSSS, respectively. Florida's educational standards were developed with the goal of providing all students with an education based on high expectations. The statewide assessments program also provides feedback and accountability indicators to Florida educators, policy makers, students, and other citizens.<sup>48</sup>

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<sup>36</sup> Florida Department of Education, *February 12, 2020 – Meeting Agenda*, <http://www.fldoe.org/policy/state-board-of-edu/meetings/2020/2020-02-12> (last visited Jan. 31, 2022). See rule 6A-1.09401, F.A.C.

<sup>37</sup> *Id.*

<sup>38</sup> Florida Department of Education, *Adoption and Implementation Memo to School Districts*, (February 13, 2020), <https://info.fldoe.org/docushare/dsweb/Get/Document-8838/dps-2020-26.pdf>.

<sup>39</sup> Beginning in 2006, access points became the means through which students with a significant cognitive disability have accessed the general education content found in the NGSSS. Access points were developed for all standards with three complexity levels that represented a continuum of understanding (participatory, supported and independent). Courses containing these standards, also known as access courses, were developed to support access for all students to the general education standards. Florida Department of Education, *Access Points to Next Generation Sunshine State Standards (Florida Standards) – Mathematics 2014*, at 2, (Spring 2014), available at <https://www.fldoe.org/core/fileparse.php/5444/urlt/0074988-math.pdf>.

<sup>40</sup> Florida Department of Education, *July 14, 2021 – Meeting Agenda*, <https://www.fldoe.org/policy/state-board-of-edu/meetings/2021/2021-07-14/> (last visited Jan. 27, 2022).

<sup>41</sup> 34 C.F.R. s. 200.5(a)(1)(i).

<sup>42</sup> 34 C.F.R. s. 200.5(a)(1)(ii).

<sup>43</sup> An interim assessment is used to evaluate students' knowledge and skills relative to a specific set of academic goals.

<sup>44</sup> 34 C.F.R. s. 200.2(b)(10)(i)-(ii).

<sup>45</sup> A summative assessment is generally administered once, typically at the end of the school year to evaluate performance against a set of content standards.

<sup>46</sup> 34 C.F.R. s. 200.2(c)(1).

<sup>47</sup> Section 1008.22(1), F.S.

<sup>48</sup> Florida Department of Education, *Florida Statewide Assessments: Statewide Assessments Guide 2020-2021*, at 1 (2021), available at <https://www.fldoe.org/core/fileparse.php/5663/urlt/swapig.pdf>.

The commissioner is required to design and implement a statewide standardized assessment program aligned to the core curricular content established in the NGSSS.<sup>49</sup> The statewide standardized assessment program for students in grades 3 through 10 is as follows:<sup>50</sup>

- Florida Standards Assessments:
  - ELA: grades 3-10.<sup>51</sup>
  - Mathematics: grades 3–8.
  - End-of-Course (EOC) assessments for students who are enrolled in the corresponding course:
    - Algebra 1.<sup>52</sup>
    - Geometry.
- NGSSS Assessments:
  - Grade 5 and grade 8 science.
  - EOC assessments for students who are enrolled in the corresponding courses:
    - Biology I.
    - United States History.
    - Civics.

### *Standardized Test Administration and Testing Schedule*

The FSA in ELA and mathematics for grades 3 through 6 are currently administered in a paper-based format.<sup>53</sup> Statewide EOC assessments,<sup>54</sup> the grade 7 and 8 FSA mathematics, and grades 7 through 10 FSA ELA assessments are administered in a computer-based format.<sup>55</sup>

The grade 3 ELA assessment and the writing portion of the statewide standardized ELA assessment must be administered no earlier than April 1 each year.<sup>56</sup> The spring administration of the FSA ELA in grades 4 through 10, FSA mathematics grades 3 through 8, and EOC assessments must be administered no earlier than May 1 of each year.<sup>57</sup> The commissioner is required to establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results.<sup>58</sup> For school year 2021-2022, the FSA and EOC administration schedule is below.<sup>59</sup>

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<sup>49</sup> Section 1008.22(3), F.S.

<sup>50</sup> Section 1008.22(3)(a) and (b), F.S.

<sup>51</sup> Section 1008.22(3)(a), F.S. provides for Grade 10 ELA retakes for students who have not achieved the passing score needed for graduation requirements. Students can earn a concordant score on an ACT or SAT to satisfy the graduation requirement. Section 1008.22(9), F.S.

<sup>52</sup> Required for high school graduation under s. 1003.4282(3)(b), F.S. Students can earn a comparative score on an assessment identified by the Commissioner of Education. Section 1008.22 (10), F.S.

<sup>53</sup> Section 1008.22(3)(a), F.S.

<sup>54</sup> Section 1008.22(3)(b)5., F.S.

<sup>55</sup> Florida Department of Education, *Florida Statewide Assessments: Statewide Assessments Guide 2020-2021*, at 35 (2021), available at <https://www.fldoe.org/core/fileparse.php/5663/urlt/swapig.pdf>.

<sup>56</sup> Section 1008.22(7)(c)1. F.S. The test administration window can't exceed 2 weeks.

<sup>57</sup> Section 1008.22(7)(c)2.-3., F.S. The test administration window for paper-based assessments may not exceed 2 weeks. The test administration for computer-based assessments may not exceed 4 weeks.

<sup>58</sup> Section 1008.22(7)(a), F.S.

<sup>59</sup> Florida Department of Education, *Florida Statewide Assessment Program 2021-22 Schedule*, <https://info.fldoe.org/docushare/dsweb/Get/Document-8789/dps-2019-197a.pdf> (last visited Jan. 27, 2022).

# FLORIDA STATEWIDE ASSESSMENT PROGRAM 2021–2022 SCHEDULE\*

English Language Arts (ELA), Mathematics, and Science	
Dates	Assessment
April 4–15, 2022	Grades 4–10 ELA Writing Grade 3 ELA Reading
May 2–13, 2022	Grades 4–6 ELA Reading Grades 3–6 Mathematics
May 2–27, 2022	Grades 7–10 ELA Reading Grades 7 & 8 Mathematics
May 9–20, 2022	Grades 5 & 8 Science
End-of-Course Assessments	
Dates	Assessment
September 13–October 15, 2021 November 29–December 17, 2021 May 2–27, 2022 July 11–22, 2022	Algebra 1, Biology 1, Civics, Geometry & U.S. History
Florida Standards Assessments (FSA) Retakes	
Dates	Assessment
September 13–October 15, 2021	Grade 10 ELA Reading Retake Grade 10 ELA Writing Retake
February 21–March 11, 2022	Grade 10 ELA Writing Retake Grade 10 ELA Reading Retake Algebra 1 Retake

\* School districts establish daily testing schedules within these windows according to state-provided guidance. For more detailed scheduling information for a specific school or district, please visit that organization's website.

The commissioner must also publish on the Department of Education's (DOE) website a uniform testing calendar that is provided to school districts,<sup>60</sup> so that school districts can populate the calendar with the state- and district-required assessments.<sup>61</sup> School districts are required to publish the uniform testing calendar on their website each school year.<sup>62</sup> A school district may not schedule more than 5 percent of a student's total school hours in a school year to administer statewide, standardized assessment and district-required local assessments.<sup>63</sup>

### *Reporting of Results and Achievement Levels*

Results for the FSA and EOC assessments must be made available no later than June 30, except for the results for the grade 3 statewide standardized ELA assessment which must be available no later than May 31.<sup>64</sup> The results for the FSA and EOC assessments must be reported in an easy-to-read and understandable format and delivered in time to provide useful, actionable information to students, parents, and each student's current teacher of record and teacher of record for the subsequent school year. The school district must provide the assessment results within 1 week after receiving the results from the DOE.<sup>65</sup>

All statewide, standardized EOC assessments and ELA, mathematics, and science assessments must use scaled scores and achievement levels.<sup>66</sup> Achievement levels range from 1 through 5, with level 1

<sup>60</sup> Section 1008.22(7)(b), F.S.

<sup>61</sup> Section 1008.22(7)(d), F.S.

<sup>62</sup> *Id.*

<sup>63</sup> Section 1008.22(7)(e), F.S.

<sup>64</sup> Section 1008.22(7)(a), F.S.

<sup>65</sup> Section 1008.22(7)(h), F.S.

<sup>66</sup> Section 1008.22(3)(e)1., F.S.

being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.<sup>67</sup> Passing scores for each statewide, standardized assessment are designated by the SBE in rule.<sup>68</sup> If the commissioner seeks to modify performance level scores on a statewide, standardized assessment, the commissioner must provide a copy of the proposed scores and implementation plan to the Speaker of the House of Representatives and the President of the Senate at least 90 days before submission to the SBE for review.<sup>69</sup>

### Student Progress Monitoring in Florida

Progress monitoring (PM) tools are a type of formative assessments that allow teachers to continuously evaluate student learning and monitor the effectiveness of their instruction.<sup>70</sup> PM tools assists in the selection of appropriate interventions, and can help inform supports for student with disabilities.<sup>71</sup>

#### *Voluntary Prekindergarten through Grade 8 Progress Monitoring Tool*

Children who enrolled in a private or public Voluntary Prekindergarten Program (VPK), for the 2021-2022 program year and prior years, are assessed with the Florida VPK assessment.<sup>72</sup> The Florida VPK assessment is a PM tool that measures a child's abilities in print knowledge, phonological awareness, mathematics, and oral language/vocabulary area that are aligned with the Early Learning and Developmental standards: 4 Years old to Kindergarten.<sup>73</sup> The Florida VPK assessment includes a pre- and post-assessment:<sup>74</sup>

- The Pre-assessment or Assessment Period 1 is administered within the first thirty calendar days of the VPK class schedule.
- The Post-assessment or Assessment Period 3 is administered within the last thirty calendar days of the VPK class schedule.

Students who enrolled in kindergarten in a public school for the 2021-2022 school year and prior school years, were assessed with the Florida Kindergarten Readiness Screener within the first 30 school days of the 2021-2022 school year.<sup>75</sup> The Florida Kindergarten Readiness Screener is a computer adaptive assessment, which is completed by students in less than 20 minutes and measures student proficiency in three broad domains:<sup>76</sup>

- word knowledge and skills;
- comprehension strategies and constructing meaning; and
- numbers and operations.

There is no federal requirement for states to administer assessments in kindergarten through grade 2. As of 2019, Florida was one of 12 states that did not offer a statewide kindergarten through grade 2 assessment system or a list of approved kindergarten through grade 2 assessment systems for school districts.<sup>77</sup> In 2021, the Legislature created a new statewide VPK through grade 8 coordinated screening and progress monitoring program that includes grades kindergarten through grade 2.<sup>78</sup>

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<sup>67</sup> *Id.*

<sup>68</sup> Section 1008.22(3)(e)2., F.S.

<sup>69</sup> Section 1008.22(3)(e)3., F.S.

<sup>70</sup> The Iris Center, Peabody College Vanderbilt University, *How can teachers systematically identify when to adjust instruction for struggling students?*, <https://iris.peabody.vanderbilt.edu/module/pmr/cresource/q1/p02/> (last visited Jan. 27, 2022).

<sup>71</sup> Wrightslaw, *Progress Monitoring*, (Oct. 13, 2014), <https://www.wrightslaw.com/info/progress.index.htm> (last visited Jan. 31, 2022).

<sup>72</sup> Rule 6A-1.09433, F.A.C.

<sup>73</sup> Office of Early Learning, *About Assessments in VPK and Kindergarten Screening*, <http://www.floridaearlylearning.com/vpk/vpk-providers/assessments-flks> (last visited Jan. 27, 2022).

<sup>74</sup> Rule 6M-8.620, F.A.C.

<sup>75</sup> Section 1002.68(3)(a), F.S.

<sup>76</sup> Florida Department of Education, *Assessment for reading, language and vocabulary, and numeracy*, (2020), available at <https://www.fldoe.org/core/fileparse.php/18494/urlt/StarEarlyLiteracy.pdf>.

<sup>77</sup> Council of Chief State School Officers, *K-2 Assessments: An Update on State Adoption and Implementation*, at 6 (2019), available at <https://ccsso.org/sites/default/files/2019-06/K-2%20Assessments%20Paper%20FINAL.pdf>.

<sup>78</sup> Section 15, ch. 2021-9, L.O.F.



Beginning with the 2022-2023 school year, private and public VPK providers and public schools in Florida must participate in a coordinated screening and progress monitoring system (CSPM) for students in VPK through grade 8. The CSPM tool must be administered three times during the school or program year and must:<sup>79</sup>

- Measure student progress in VPK<sup>80</sup> through grade 8 in meeting the appropriate expectations in early literacy and mathematics skills and in ELA and mathematics standards.
- Measure student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level.
- Be valid, reliable, and developmentally appropriate computer-adaptive assessment that identifies students who have a substantial deficiency in reading, including identifying students with characteristics of dyslexia.
- Provide data that can be used for VPK Program accountability requirements.
- Provide VPK Program providers, school districts, schools and teacher with data and resources that enhance instruction and parental communication.
- Provide information to the department to aid in the development of educational programs, policies and supports for VPK providers and school districts.

Beginning with the 2022-2023 program year, each private prekindergarten provider and public school in the VPK Program must participate in a program assessment of each VPK classroom.<sup>81</sup> The DOE must adopt a methodology for calculating each private prekindergarten provider's and public school provider's performance metric, which includes program assessment scores and the initial and final CSPM results.<sup>82</sup>

### *Optional Progress Monitoring*

The DOE allocated \$20 million from the CARES Act<sup>83</sup> funds for PM and data informed supports.<sup>84</sup> From October 1, 2020, through February 19, 2021, the DOE made available to all public schools on a voluntary basis a new PM tool to serve as a connective support between the foundational skills that students seek to acquire and their progress through early education years and drive informed teaching practices and curriculum decisions.<sup>85</sup> The PM tool was computer adaptive, made available for multiple administrations and was aligned to the state standards for grades 3 through 10 reading and grades 3 through 8 mathematics.<sup>86</sup> Public schools participating in the optional progress monitoring tool were recommended to provide students between 45 and 60 minutes to complete each assessment.<sup>87</sup>

In school year 2020-2021, 59 school districts administered the PM tool.<sup>88</sup> The 59 school districts that accessed the PM tool, administered 322,030 reading assessments and 226,122 mathematics

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<sup>79</sup> Section 1008.25(8)(a), F.S.

<sup>80</sup> Section 1008.2125(2)(a), F.S., requires that students in VPK and kindergarten be assessed with the coordinated screening and progress monitoring system within the first 30 days after enrollment, midyear, and within the last 30 days of the program or school year.

<sup>81</sup> Section 1002.68(2), F.S.

<sup>82</sup> Section 1002.68(4)(a), F.S.

<sup>83</sup> The Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress March 27, 2020. The CARES Act provided funding in four education related categories: Elementary and Secondary School Emergency Relief Fund, Governor's Emergency Education Relief Fund, Higher Education Emergency Relief fund, Child Care Development Block Grant.

<sup>84</sup> Florida Department of Education, *Reopening Florida's Schools and the CARES Act*, at 102, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/FLDOEReopeningCARESAct.pdf>.

<sup>85</sup> Florida Department of Education, *Free Optional Progress Monitoring Tool Available to Public Schools*, (Sept. 2, 2020), available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/CambiumProgressMonitoring2020-21.pdf>.

<sup>86</sup> *Id.*

<sup>87</sup> Florida Department of Education, *Adaptive Progress Monitoring (APM) Administration Manual, 2021-22*, at 3 (2021), available at <https://fsassessments.org/-/media/project/client-portals/florida/pdf/apm/apm-administration-manual-081921-final.pdf>.

<sup>88</sup> Email, Jessica Fowler, Deputy Legislative Affairs Director, Florida Department of Education, (Jan. 28, 2022), on file with the Early Learning & Elementary Education Subcommittee.

assessments. In school year 2021-2022, as of Dec. 13, 2021, 54 school districts have accessed the PM tool and administered 110,787 Reading assessments and 56,237 mathematics assessments.<sup>89</sup>

### *School District Assessment Program*

The measurement of student performance is the responsibility of school districts, except in those subjects and grade levels measured under the statewide, standardized assessment program.<sup>90</sup> School districts are required to annually, by October 1, post the uniform assessment calendars that delineate which assessments are statewide, standardized assessments and district-required assessments.<sup>91</sup> For the 2020-2021 and 2021-2022 school years, the DOE required that school districts submit progress monitoring results to the DOE for assessments that were administered during the school year.<sup>92</sup>

For the 2020-2021 school year, only two school districts reported using no PM tool, other school districts reported the following:<sup>93</sup>

- 22 school districts reported use of one PM tool.
- 29 school districts reported use of two PM tools.
- 18 school districts reported use of three PM tools.
- 2 school districts reported use of four PM tools.

For school year 2021-22, school districts reported the following to the DOE:<sup>94</sup>

- 15 school districts have no PM data reported through the platform.
- 38 school districts reported use of one PM tool.
- 17 school districts reported use of two PM tools.
- 3 school districts reported use of three PM tools.

### School and School District Accountability

#### *School Grades*

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.<sup>95</sup> School grades are also used to determine whether a school must select or implement a turnaround option<sup>96</sup> or whether a school is eligible for school recognition funds as appropriated by the Legislature.<sup>97</sup>

The annual reports must identify schools as having one of the following grades:<sup>98</sup>

- "A," for schools making excellent progress – 62% or higher of total points
- "B," for schools making above average progress – 54% to 61% of total points
- "C," for schools making satisfactory progress – 41% to 53% of total points
- "D," for schools making less than satisfactory progress – 32% to 40% of total points
- "F," for schools failing to make adequate progress – 31% or less of total points

The SBE must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must

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<sup>89</sup> *Id.*

<sup>90</sup> Section 1008.22(6), F.S.

<sup>91</sup> Section 1008.22(7)(d), F.S.

<sup>92</sup> Florida Department of Education Emergency Order 2020-EO-06.

<sup>93</sup> Email, Jessica Fowler, Deputy Legislative Affairs Director, Florida Department of Education, (Jan. 28, 2022), on file with the Early Learning & Elementary Education Subcommittee. Some school districts use different progress monitoring tools for different grade bands, i.e. K-5, 6-8, and 9-12. Examples of progress monitoring tools that are used by Florida's school districts include: I-Ready, STAR assessments, MAP assessments, Cambium Progress Monitoring tool, and Achieve 3000.

<sup>94</sup> *Id.* An analysis of the 2021-2022 district assessment calendars that were submitted to the Department of Education showed that 61 school districts intended to use a progress monitoring tool for the 2021-2022 school year.

<sup>95</sup> Section 1008.34(1), F.S.

<sup>96</sup> *See s.* 1008.33(4), F.S.

<sup>97</sup> *See s.* 1008.36, F.S.

<sup>98</sup> Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

notify the public of any adjustments and explain the reasons for the adjustment and the impact it will have on school grades.<sup>99</sup>

Elementary, middle and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.<sup>100</sup> Combination school models include the additional components for the grades served (e.g., a school serving grades K through 12 would include the additional components for the middle and high school models).

School Grades Models							
Basic/Elementary (700 Points)			Middle School (Basic +200 Points)		High School (Basic+300 Points)		
English Language Arts	Mathematics	Science	Civics EOC Assessment	Acceleration Success	U.S. History EOC Assessment	Graduation Rate	Acceleration Success
Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Percentage of students who pass high school EOC assessments & industry certifications (0% to 100%)	Achievement (0% to 100%)	Overall, 4-year graduation rate (0% to 100%)	Percent of students eligible to earn: college credit through AP, IB, AICE, dual enrollment, or earned an industry certification <sup>101</sup> (0% to 100%)
Learning Gains (0% to 100%)	Learning Gains (0% to 100%)						
Learning Gains of Low 25% (0% to 100%)	Learning Gains of Low 25% (0% to 100%)						

A school's grade must include only those components for which at least 10 students have complete data. If a school does not meet the 10-student threshold for a component, it will receive a school grade based only on the remaining components.<sup>102</sup> In addition, a high school's graduation rate must include students who transfer to a private school with which the school district has a contractual relationship.<sup>103</sup>

Student achievement is determined by the percentage of full-year enrolled students who scored at Level 3 or above on statewide, standardized assessments and EOC assessments in ELA, mathematics, Civics, U.S. History, science, biology I, algebra I, and geometry.<sup>104</sup> English language learners are included in achievement calculations after enrollment in a school in the U.S. for more than 2 years and gains calculations after 1 year.<sup>105</sup>

The learning gains component measures the growth demonstrated by a student from one year to the next in one of four ways:<sup>106</sup>

- Increasing at least one achievement level on the statewide, standardized assessment in the same subject area.
- For students who score below Level 3, improving by at least one "subcategory" within Level 1 or Level 2, based on the student's scale score, on the next year's assessment for that subject area.

<sup>99</sup> Section 1008.34(3)(c)1., F.S.

<sup>100</sup> See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

<sup>101</sup> See s. 1008.34(3)(b)2.b., F.S. (2020). In 2020, the Legislature revised the acceleration success component to include the percentage of students who complete at least 300 clock hours of qualifying coursework through career dual enrollment. The 2021 graduating class will be the first graduating class that can participate in career dual enrollment to be counted toward their school's grade. The first time career dual enrollment will be included in the school grades calculation will be the summer of 2022. In the 2022-2023 school year, the school grades calculation will also include the percentage of students who earn a qualifying score on the Armed Services Vocational Aptitude Battery and two credits in Junior Reserve Officers' Training Corps. From the same U.S. Armed Forces Branch.

<sup>102</sup> See s. 1008.34(3)(a), F.S.

<sup>103</sup> Section 1008.22(3)(d)3., F.S.

<sup>104</sup> See s. 1008.34(3)(b)1., F.S.

<sup>105</sup> See s. 1008.34(3)(b)1., F.S. (flush left provisions at the end of the subparagraph).

<sup>106</sup> See rule 6A-1.09981(2)(b), F.A.C.

- For students who score a Level 3 or a Level 4, improving the scale score on the next year's assessment for that subject area.
- For students who score a Level 5, scoring a Level 5 on the next year's assessment for that subject area.

A separate learning gains component is included for current-year, full-year-enrolled students whose prior-year assessment scores are in the school's lowest performing 25 percent on the statewide, standardized ELA and math assessments.<sup>107</sup>

### *School Improvement Ratings*

An alternative school or exceptional student education (ESE) center may opt for a school improvement rating instead of a school grade.<sup>108</sup> The school improvement rating is calculated using student learning gains on statewide, standardized ELA and mathematics assessments for all eligible students who are enrolled in the school and who have assessment scores, concordant scores, or comparable scores for the preceding school year.<sup>109</sup> Schools that improve their ratings by at least one level or maintain a "commendable" rating are eligible for school recognition awards.<sup>110</sup> The school improvement rating identifies an alternative school as having one of the following ratings:<sup>111</sup>

- **Commendable:** a significant percentage of the students attending the school are making learning gains.
- **Maintaining:** a sufficient percentage of the students attending the school are making learning gains.
- **Unsatisfactory:** an insufficient percentage of the students attending the school are making learning gains.

An alternative school that does not meet the requirements for issuance of a school improvement rating and has not received a rating for the past two consecutive years must receive a rating for the current year based on all student learning gains for all grades levels at the school for those 3 years.<sup>112</sup> If an alternative school does not have at least 10 students with complete data for a school improvement rating component, that component may not be used in calculating the school's improvement rating. To make certain that the school still receives a rating, the rating must be calculated based on the percentage of points earned from the ELA and mathematics learning gains components for those 3 years.<sup>113</sup>

### *School District Grades*

Each school district must annually receive a district grade (A through F) as part of a district report card.<sup>114</sup> The grade is calculated based on the same components used to grade the district's schools using data from each eligible student in the district, including students enrolled in charter schools.<sup>115</sup> In addition to the district's grade, the district report card must also include:<sup>116</sup>

<sup>107</sup> Section 1008.34(3)(b)1.g.-h., F.S.; rule 6A-1.09981(4)(a)5.-8., F.A.C.

<sup>108</sup> School improvement ratings, which do not include an academic achievement component but instead focus on learning gains, are offered to alternative schools because the students at these schools are often enrolled in more than one school within the school year. All alternative students' learning gains scores are included in either the alternative school or home school accountability report. Section 1008.341(1), F.S.

<sup>109</sup> Section 1008.341(3), F.S.

<sup>110</sup> Section 1008.341(2), F.S. (flush left provisions at the end of the subsection).

<sup>111</sup> Section 1008.341(2)(a)-(c), F.S. Concordant and comparative scores may be used to demonstrate learning gains for students in grades 9 through 12 who scored a Level 1 or 2 in the prior year in the same subject area. See rule 6A-1.09982(2)(c), F.A.C.

<sup>112</sup> Section 1008.341(2), F.S.

<sup>113</sup> *Id.* A school must assess 80 percent of students to receive a rating. A school that assesses less than 90 percent of its students is not eligible to receive a rating of "Commendable." See *id.*

<sup>114</sup> Section 1008.34(4)-(5), F.S.

<sup>115</sup> See rule 6A-1.09981(5), F.A.C. The calculation includes students who transfer between schools in the district or who are enrolled in a school that does not receive a grade. Section 1008.34(5), F.S. However, students who are enrolled in a school of hope pursuant to s. 1002.333, F.S., are not included in a district's grade. See s. 1002.333(6)(a), F.S.

<sup>116</sup> Section 1008.34(4)-(5), F.S.

- measures of the district’s progress in closing the achievement gap between higher- and lower-performing subgroups;
- measures of the district’s progress in demonstrating learning gains of its highest-performing students;
- measures of the district’s success in improving student attendance;
- the district’s grade-level promotion of students scoring achievement levels 1 and 2 on statewide, standardized ELA and mathematics assessments; and
- measures of the district’s performance in preparing students for the transition from elementary to middle school, middle to high school, and high school to postsecondary institutions and careers.

## School Improvement

### *Overview*

Florida’s system of improving low-performing schools is referred to as “school improvement” (SI). Under SI, the lowest-performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting student achievement goals.<sup>117</sup> Intervention and support is required for traditional public schools earning a letter grade of “D,” or “F.”<sup>118</sup> Upon receipt of its first grade of “D,” a school is a Tier I SI school and is in need of support and intervention from the school district and the DOE.<sup>119</sup> Intensive intervention and support strategies must be applied through turnaround plans to schools earning two consecutive grades of “D” or a grade of “F”.<sup>120</sup>

In addition, Florida’s approved statewide accountability plan pursuant to ESSA<sup>121</sup> describes circumstances in which schools will be identified for either targeted or comprehensive support and improvement as required by ESSA. Under the plan, a school will be identified for comprehensive support and improvement if it has a federal percent of points index (school grades model plus English language acquisition progress for English language learners) below 41%, a grade of D or F, a 4-year adjusted cohort graduation rate at or below 67 percent or has a “chronically low-performing subgroup of students.”<sup>122</sup> A school will be identified for targeted support and improvement if it has one or more subgroups whose federal percent of points is 31% or lower over the last 3 years or one or more subgroups whose federal percent of points is 40% or lower in the current year.<sup>123</sup>

All Florida public schools that earn a “D” or “F” must have a SI plan, which is developed and implemented by the school’s advisory council.<sup>124</sup> For non-charter schools, development and

<sup>117</sup> Section 1008.33(2)(b) and (4), F.S.; *see* rule 6A-1.099811, F.A.C. School improvement requirements were originally established under the 2002 reauthorization of ESEA, otherwise known as the No Child Left Behind (NCLB) Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

<sup>118</sup> Section 1008.33(3)(b), F.S.

<sup>119</sup> Rule 6A-1.099811(3)(a), F.A.C.

<sup>120</sup> Section 1008.33(4)(a), F.S.

<sup>121</sup> *See* 20 U.S.C. s. 6301 *et seq.* ESSA requires state educational agencies, such as the DOE, to provide comprehensive or targeted supports to certain low performing schools in order to receive federal Title I funds. *See* 20 U.S.C. s. 6311(d).

<sup>122</sup> The recognized subgroups for a statewide accountability plan under ESSA are: 1) economically disadvantaged students; 2) students from major ethnic and ethnic groups; 3) children with disabilities; 4) and English learners. 20 U.S.C. s. 6311(c)(2). A “chronically low-performing subgroup of students” is a subgroup of students at a Title I school identified for targeted support and improvement whose performance does not improve after implementing the supports over a state-determined number of years. *See* 20 U.S.C. s. 6311(c)(4).

<sup>123</sup> *See* Florida Department of Education, *ESSA State Plan*, (September 24, 2018), *available at* <http://www.fldoe.org/core/fileparse.php/14196/urlt/FL-ESSA-StatePlan.pdf>; *see also* United States Department of Education, *Education Department Releases Final Regulations to Promote a High-Quality, Well-Rounded Education and Support All Students*, (Nov. 28, 2016), <https://content.govdelivery.com/accounts/USED/bulletins/1759bf0> (last visited Jan 27, 2022).

<sup>124</sup> Sections 1001.42(18)(a) and 1001.452(2), F.S.; rule 6A-1.099811(3)(a), F.A.C. School advisory councils are composed of principals, teachers, educational support personnel, parents, students, local business representatives, and community members. Section 1001.452(1)(a), F.S. School advisory councils are responsible for developing and implementing the school’s improvement plan, assisting in the development of the school’s budget, and assisting in determinations regarding the use of school improvement funds and school recognition awards. Sections 1001.452(2) and 1008.36(4), F.S. *See also* s. 1002.33(9)(n), F.S. (requiring a charter school earning a “D” or “F” to submit a school improvement plan to the sponsor).

implementation of the plan is based on a form developed by the DOE.<sup>125</sup> In such cases, the plan must be submitted through the Continuous Improvement Management System (CIMS).<sup>126</sup> The DOE reviews, approves, and also monitors implementation of the plan.<sup>127</sup>

In addition, the law provides that an educational emergency exists if one or more schools in a school district earns a grade of “D” or “F.”<sup>128</sup> Once an educational emergency exists, the district must negotiate a memorandum of understanding with its teachers union to provide students at the school with effective teachers and administrators. The district must submit the memorandum to the DOE by September 1.<sup>129</sup> The memorandum must address the selection, placement, and expectations of instructional personnel and provides principals with the autonomy under the Principal Autonomy Project Initiative relating to certain personnel and budgetary decisions.<sup>130</sup>

### *Initiation of School Improvement Process*

If a school earns two consecutive grades of “D” or a grade of “F,” it must immediately implement a differentiated matrix of intervention and support strategies. Districts with a SI school must coordinate with the DOE, the regional executive director or designee, and the school to identify and implement tailored support and improvement strategies designed to address low performance at the school.<sup>131</sup>

Florida law specifies seven general types of intervention and support strategies for traditional public schools. These strategies include SI planning; leadership and educator quality improvement; professional development; curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes.<sup>132</sup>

The DOE implements SI using regional teams of school improvement specialists, each led by an executive director, in four offices across the state to provide on-the-ground support to district administrators, instructional coaches, and school leadership teams of low-performing schools.<sup>133</sup> Each team supports the districts and schools that are annually designated for SI within its region. The teams are used to help districts effectively use data and align available supports and resources to each SI school’s needs.<sup>134</sup> The SI supports are intended to build capacity by focusing on systems and structures needed to accelerate and sustain school improvement and by employing a gradual release model.<sup>135</sup> Supports are offered in consultation with the district to determine local needs, and typically include facilitation of collaborative processes such as data and risk analysis, needs assessment, strategic planning and problem solving, performance management, professional development, and cross-district networking.<sup>136</sup>

The regional teams also review, provide feedback, and monitor progress on the implementation of school improvement plans, turnaround option plans, and school improvement grants.<sup>137</sup>

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<sup>125</sup> See Florida Department of Education, *Form DA-2 Checklist for Focus and Priority Schools*, (Dec. 2014), available at <https://www.flrules.org/gateway/reference.asp?No=Ref-04620> (incorporated by reference in rule 6A-1.099811, F.A.C.).

<sup>126</sup> CIMS is a web application developed by the FDOE’s Bureau of School Improvement to provide district and school teams with an online platform for collaborative planning and problem solving as well as a public site for stakeholders to access approved plans. Florida Department of Education, Bureau of School Improvement, *Welcome to CIMS*, <https://www.floridacims.org/> (last visited Jan. 31, 2022).

<sup>127</sup> Rule 6A-1.099811(1), F.A.C.

<sup>128</sup> Section 1001.42(21), F.S.; rule 6A-1.099811(2)(j), F.A.C.

<sup>129</sup> See s. 41, ch. 2017-116, L.O.F., *codified at* s. 1008.33(4)(a), F.S. School grades are typically released no later than the second week of July each year.

<sup>130</sup> See *id.* See also s. 1012.28(8), F.S. (providing qualifying principals autonomy over certain budgetary and personnel decisions).

<sup>131</sup> Rule 6A-1.099811(5)(a), F.A.C.

<sup>132</sup> Section 1008.33(3)(c), F.S.; rule 6A-1.099811(5)(b)1.-9., F.A.C.

<sup>133</sup> See Florida Department of Education, Bureau of School Improvement, *Regional Support to School Districts*, <http://www.fldoe.org/schools/k-12-public-schools/school-improvement/reg-support.stml> (last visited Jan. 27, 2022).

<sup>134</sup> *Id.*

<sup>135</sup> See *id.*

<sup>136</sup> See *id.*

<sup>137</sup> See *id.*

## *Turnaround Options*

Schools that earn two consecutive grades of “D” or a grade of “F” must also implement a district-managed turnaround plan through which the school district manages the 2-year turnaround plan at the school.<sup>138</sup> The school district must submit a district-managed turnaround plan to the SBE for approval by October 1.<sup>139</sup>

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year. If the school’s grade does not improve to a “C” or higher after the second year the school must select from the following turnaround options:<sup>140</sup>

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.
- Contract with an external operator that has a demonstrated record of effectiveness to operate the school.

The external operator may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

The SBE may allow a school an additional year of implementation before the school must implement a different turnaround option if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation.<sup>141</sup>

## Outcomes from Florida’s Accountability System

The chart below provides an historical perspective on school grades.<sup>142</sup> The percentage of schools earning a grade of “A” or “B” increased by 7 percentage points, and the percentage of school earning a grade of “D” or “F” fell 3 percentage points, after the turnaround process was expedited under HB 7069 (2017).<sup>143</sup>

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<sup>138</sup> Section 1008.33(4)(a), F.S.; Rule 6A-1.099811(6)(a)-(b), F.A.C.

<sup>139</sup> Section 1008.33(4)(a), F.S.

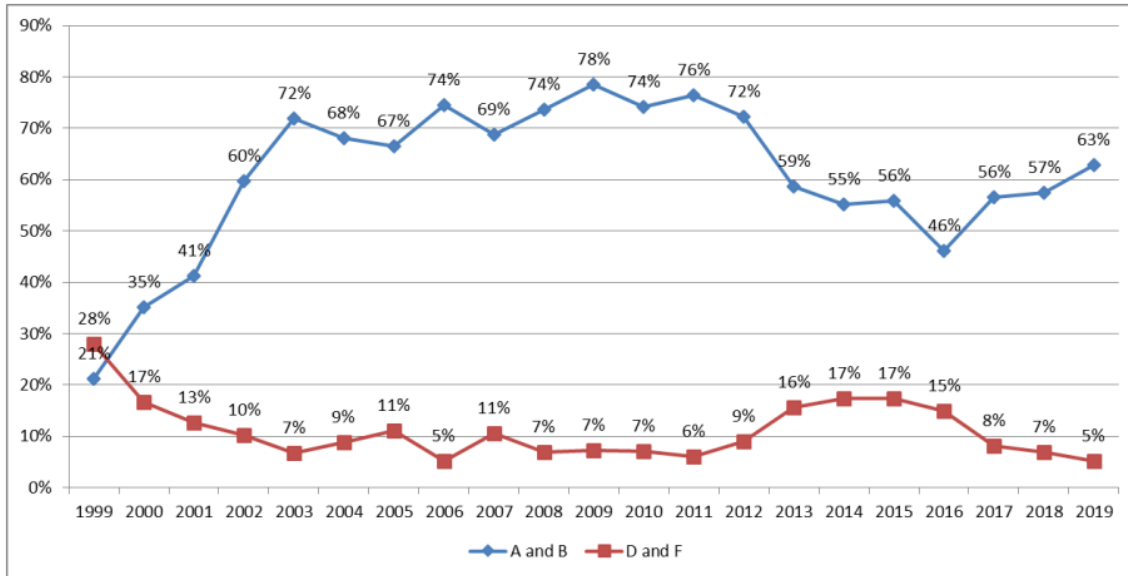
<sup>140</sup> Section 1008.33(4)(b)1.-3., F.S.; rule 6-A 1.099811(6)(b), F.A.C

<sup>141</sup> Section 1008.33(4)(a), F.S.

<sup>142</sup> Florida Department of Education, *2019 Annual Assessment and Accountability Meeting, August 2019*, at 111, available at <https://www.fldoe.org/core/fileparse.php/5637/urlt/AnnualAssmtAcctMtg2019.pdf>.

<sup>143</sup> Chapter 2017-116, L.O.F.

## 20 Year Look at A&B vs D&F Grades



The number of schools receiving a grade of “D” or “F” fell from 573 in the 2015-16 school year to 172 in the 2019-20 school year.<sup>144</sup> Additionally, the number of schools receiving the most intensive supports from the DOE fell from 498 in 2015-16 school year to 142 during the 2019-20 school year.<sup>145</sup>

Based on traditional public schools that received grades in 2018 and 2019:<sup>146</sup>

- 70 percent of schools graded “D” or “F” improved their grade in 2019;
- 77 percent of schools graded “F” in 2018 improved their grade in 2019; and
- 85 percent of first year turnaround schools in 2018 improved their grade to a “C” or higher and exited turnaround in 2019.

### Effect of Proposed Changes

The bill extends the CSPM system to include ELA for grades 9 and 10. The bill also reduces the assessment footprint by replacing the statewide, standardized ELA assessment for students in grades 3 through 10 and the statewide, standardized mathematics assessment for students in grades 3 through 8 with the end-of-year administration of the CSPM system.

The bill requires that the CSPM system:

- Be included in the uniform assessment calendar.
- Be included in the limitation on assessment taking up no more than 5 percent of school hours.
- Provide results to teachers within 1 week of each progress monitoring assessment, and to parents within 2 weeks.

The bill establishes the following schedule for CSPM system assessments:

- For students in VPK through grade 2, three assessments must occur as follows:
  - The first assessment occurs within 30 days of enrollment or the start of the program year;
  - The second assessment occurs midyear; and
  - The third assessment occurs within the last 30 days program year or school year.

<sup>144</sup> *Id.* at 113.

<sup>145</sup> Florida Department of Education, *School Improvement Presentation to the House PreK-12 Innovation Subcommittee*, at 9 (October 16, 2019), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2020&DocumentType=Meeting+Packets&FileName=pki+10-16-19.pdf>.

<sup>146</sup> *Id.*



- For students in grades 3 through 10 ELA and grades 3 through 8 mathematics, three assessments must occur at the beginning, middle, and end of the year as set forth in state board rule.

The bill requires school districts to work with the Florida Virtual School, approved virtual instruction providers, and virtual charter schools to provide students access to testing facilities so they are able to participate in the PM system.

The bill requires the commissioner, by January 31, 2025, to report on and make recommendations related to the CSPM system in the following areas, based on a third-party review:

- Validity of using CSPM assessments 1 and/or 2 to in place of using the comprehensive end-of-year progress monitoring assessment for accountability purposes.
- Options to reduce assessment footprint and maintain valid and reliable data including use of computer-adaptive assessments.
- Improving remote administration of assessments.
- Accelerating student progression.
- Incorporation of state-adopted ELA instructional materials into the PM system.
- Impact of CSPM system on student learning growth data.

The bill clarifies that school districts remain responsible for measuring student performance outside of the statewide, standardized assessments and the CSPM system.

The bill improves communication with parents regarding their student's performance by requiring that district assessment data be provided within 1 week of test administration; requiring that statewide assessment data be provided to parents in an individual student report; and moving the deadline for the publication of statewide, standardized ELA and mathematics assessment results from June 30 to May 31, starting with the 2023-2024 school year. The bill requires that individual student reports be provided electronically and contain resources for parents to better understand the progress monitoring assessment and support informed parent involvement.

The bill provides for the transition to the new CSPM system based assessment and accountability processes in the following manner:

- School grades for the 2022-2023 school year will be assigned so that the same percentage of schools achieve each grade as they did in the 2021-2022 school grades results. Once learning gains data becomes available following the 2023-2024 school year, the DOE must review the school grading scale to determine if it needs to be adjusted.
- Schools and providers must be held harmless, based on 2022-2023 school grades, for SI purposes. While a school or provider cannot be forced to enter a turnaround plan based on its 2022-2023 school grade, a school may exit a turnaround plan based on its grade.
- For promotion to grade 4 and high school graduation, satisfaction of assessment requirements must be based on a comparison of the student's end-of-year 2022-2023 CSPM system results to his or her 2021-2022 expectations. A school district may promote a student to grade 4 based on a good cause exemption or if it has other reliable evidence of the student's performance.

The bill requires the SBE to annually review the school grading scale and to adjust the grading scale when more than 75 percent of schools of a school type (i.e. elementary, middle, high, or combination schools) receive a grade of "A" or "B." The adjustment must raise the minimum number of percentage points required for each grade to the next closest number ending in 5 or 0. This may result in each school type having a different grading scale, depending on the performance of schools of that type. The first adjustment to the grading scale would occur no earlier than the 2023-2024 school year. The bill suspends adjustments once an "A" requires 90 percent or more of the points; a "B" requires 80 to 89 percent of the points; a "C" requires 70 to 79 percent of the points; and a "D" requires 60 to 69 percent of the points.

Additionally, the bill updates Florida's SI system. The bill codifies the existing requirements that when a school initially receives a grade of "D" it must begin implementing intervention and support strategies. Any school receiving an initial grade of "F" or two consecutive grades of "D," must still initiate the school

improvement turnaround process, but may submit a turnaround plan prior to earning a second consecutive grade of “D.” The bill provides school districts flexibility in implementing an external operator turnaround option by specifying services that may be contracted, including the option to contract with a charter school network as the external turnaround contractor, and the bill specifies that a school district and the outside entity enter into 2 year performance-based contract.

The bill provides that, beginning in the 2023-2024 school year, a school that receives a grade of “D” or “F” within the next 2 years after existing turnaround status may not implement a turnaround option it has already completed.

The bill aligns Florida law to ESSA terminology by changing all references to “Next Generation Sunshine State Standards” to “state academic standards.”

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 411.227, F.S.; conforming provisions to changes made by the act.

**Section 2.** Amends s. 1000.21, F.S.; renaming the "Next Generation Sunshine State Standards" as the "state academic standards."

**Section 3.** Amends s. 1002.37, F.S.; conforming provisions to changes made by the act.

**Section 4.** Amends s. 1002.45, F.S.; conforming provisions to changes made by the act.

**Section 5.** Amends s. 1002.53, F.S.; conforming provisions to changes made by the act.

**Section 6.** Amends s. 1002.67, F.S.; conforming provisions to changes made by the act.

**Section 7.** Amends s. 1002.68, F.S.; conforming provisions to changes made by the act.

**Section 8.** Amends s. 1003.41, F.S.; conforming provisions to changes made by the act.

**Section 9.** Amends s. 1003.53, F.S.; conforming provisions to changes made by the act.

**Section 10.** Provides a directive to the Division of Law Revision.

**Section 11.** Amends s. 1008.2125, F.S.; deleting provisions relating to the coordinated screening and progress monitoring program; conforming cross-references to changes made by the act.

**Section 12.** Amends s. 1008.22, F.S.; conforming provisions to changes made by the act; providing that certain end-of-year comprehensive progress monitoring assessments are the statewide, standardized ELA and mathematics assessments for certain students; providing that achievement levels on specified assessments shall measure grade-level performance, rather than satisfactory performance; requiring certain assessment results to be provided by a specified date beginning with a certain school year; including the coordinated screening and progress monitoring system in the limitation on the school hours authorized for testing; revising the timeframe results for district-required local assessments must be provided to a student's parent; requiring such results to be provided in specified formats; requiring specified information to be included on individual student reports; requiring the commissioner to provide specified recommendations from an independent review of the coordinated screening and progress monitoring system to the Governor and Legislature by a specified date; providing requirements for the review and recommendations; providing for the future repeal of such requirements.

**Section 13.** Amends s. 1008.25, F.S.; conforming provisions to changes made by the act; requiring the coordinated screening and progress monitoring system to identify the educational strengths and needs of students; revising requirements for such system; providing

requirements for the administration of the coordinated screenings and progress monitoring and the reporting of results; requiring a specified annual report to be accessible through certain web-based options; deleting a requirement that district school boards print specified information in a local newspaper.

**Section 14.** Amends s. 1008.33, F.S.; making editorial changes; requiring a school district to take specified actions for a school that earns an initial school grade of "D"; revising the options available to a school district that must implement a turnaround plan for a school; authorizing a school district to submit a turnaround plan for a school that has earned an initial school grade of "D"; revising the options available to a school district with a school that implemented a turnaround plan and did not improve its school grade; requiring certain schools that exit turnaround status and earn a specified school grade within a certain time period to select and implement a turnaround option; providing requirements for the selection of such turnaround option.

**Section 15.** Amends s. 1008.34, F.S.; requiring the SBE to annually review the percentage of schools earning certain school grades and determine if the school grading scale must be adjusted; providing requirements for such adjustments; requiring the state board to provide specified information to the public; providing a transition for the calculation of school and district grades for the 2022-2023 school year; providing requirements for the calculation of such grades and exemption schools from specified provisions; providing requirements for determining grade 3 retention and high school graduation requirements for such school year; providing for the future repeal of specified provisions.

**Section 16.** Amends s. 1008.341, F.S.; providing that school improvements rating will not be calculated for the 2022-2023 school year; providing for the future repeal of specified provisions.

**Section 17.** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

For Fiscal Year 2021-2022, there is a total of \$134,702,019 appropriated in the DOE's Assessment and Evaluation appropriation category in the General Appropriations Act (GAA); this funds, in part, the DOE's costs associated with the implementation of statewide assessments. A total of \$8.0 million was appropriated in Specific Appropriation 135 of the Fiscal Year 2021-2022 GAA to implement the VPK through grade 8 CSPM system established by HB 7011 (2021). As a result of this bill, it is anticipated that the total amount needed in the DOE's Assessment and Evaluation appropriation category could be reduced to reflect the replacement of the current statewide, standardized ELA and mathematics assessments with the end-of-year administration of the CSPM system.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The SBE is requires to adopt rules to implement the PM System and to accommodate provisions relating to the transition to the PM System.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 2, 2022, the Early Learning & Elementary Education Subcommittee adopted four amendments and reported the bill favorably as a committee substitute. The amendments:

- Direct to the Division of Law Revision to draft a reviser's bill for the 2023 Legislative session to change the term "Next Generation Sunshine State Standards" to "state academic standards" throughout the Florida statutes.
- Clarify that beginning with the 2023-2024 school year any school that receives a grade of "D" or "F" within 2 years of exiting turnaround must implement a turnaround option it has not yet completed.
- Require the State Board of Education to annually review the school grading scale and to adjust the grading scale upward each time more than 75 percent of schools in any school type (i.e. elementary, middle, high, or combination schools) receive a grade of "A" or "B."
- Provide for an effective date of July 1, 2022.

The analysis is drafted to the committee substitute adopted by the Early Learning & Elementary Education subcommittee.